

JEFFERSON COUNTY COMMISSIONERS
COURTHOUSE, BOX H
BOULDER, MT 59632
PHONE 406-225-4025
FAX 406-225-4148

KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
March 6, 2007**

Present: Commissioners Lythgoe, Notbohm and Weber; Harold Stepper, County Planner; Mike Hoffman, County Planner; Joe Carter, Road/Solid Waste Foreman; Ernie Kennison, Celia Wolny, Kenda Erickson, Ken Vivrette, Marga Lincoln, *Helena Independent Record*; Sam Samson, Allen LeMieux, Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Tammy Johnson, Garry Pace, Charlotte Crosswhite, Amy Teegarden, USFS

MINUTES

Commissioner Lythgoe moved to adopt the minutes of January 16. Commissioner Weber seconded. The motion carried.

Commissioner Weber moved to adopt the minutes of February 20. Commissioner Lythgoe seconded. The motion carried.

REPORTS

Receipt of February cash report from the Treasurer.

Receipt of February expense and revenue report from the Clerk and Recorder.

Receipt of February Clerk and Recorder fees.

CALENDAR REVIEW

- 3/10 Meeting with Hills at Hill Ranch - 10:00
Meeting with Bonnie re: RID expenses
- 3/11 CTAC - 8:00
Elkhorn Working Group - 2:00
Health Board - 5:30
Library Board - Whitehall - 6:30

COMMISSION REPORTS

March 6, 2007 minutes.wpd

HORIZONS

Commissioner Weber stated that the study circles are going well in Whitehall and Boulder. The next phase is to try to mesh the needs and assets of the communities. The initial fact-finding meetings are coming to a close, although his Boulder group will probably continue to meet.

ZONING COMMISSION

Commissioner Lythgoe reported that the Zoning Commission met on Thursday. They had someone come forward to request a zoning change in the McClellan Creek area. The Commission also discussed language regarding commercial zoning. He stated that this is dealt with in state statute, which trumps our zoning related to signing in many cases.

LEGISLATURE

Commissioner Lythgoe stated that he spent a lot of time at the legislature the previous week.

SUBDIVISION REVIEW

PRELIMINARY PLAT APPROVAL - MICROWAVE HILL MAJOR SUBDIVISION

Mike Hoffman, County Planner, presented his staff report. This is an eight-lot major subdivision north-east of Montana City, with lots ranging in size from 2.01 to 4.07 acres. The developer proposes individual well and septic systems. The developer proposes to develop the subdivision in two phases, and has also opted for the cash-in-lieu of parkland dedication. Mike recommended that preliminary plat approval be granted for the master plan and phase one. Mike noted that the weed plan for the subdivision will go before the Weed Board at their meeting on Thursday night.

Commissioner Lythgoe asked for an explanation of the road situation. Ken Vivrette presented an aerial photo and pointed out a sixty-foot easement from Wonder Road. Mr. Gerst is adjacent to the south and will be doing a subdivision in the future, so each will put in 30 feet in width of the road. As for the road shown to the north, Mr. Tomaski owns on both sides of the road. This road will be constructed to 30 feet now, with the additional 30 feet to be done later; it will have a sixty-foot easement. Ken stated that it is confusing because they are getting the entire picture of the area, rather than a snapshot of a particular subdivision. Commissioner Weber stated that he has some hesitation because of the history in the area. Ken stated that he has the subdivision application and money in hand; the subdivision is going to be done.

Commissioner Lythgoe asked if they would be in violation of county road standards if they approve this, as this is not a drive and will be leading to four lots. Commissioner Weber stated that this is a half street. Commissioner Notbohm asked if it meets those requirements. Commissioner Weber stated that the requirements are listed in item 9, and this is why he quizzed Ken about the certainty of the other subdivision being done.

Commissioner Notbohm asked about the cash-in-lieu of a water supply for fire suppression. Mike stated that Harold has the figures for that; the figure is dependent on lot size, and will be calculated and presented to the fire department. This is not required to be on the plat. Harold

stated that it will be roughly \$400 per lot.

Commissioner Lythgoe moved to grant preliminary plat approval to the Microwave Hill Major Subdivision. Commissioner Weber seconded. The motion carried.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

TAMMY JOHNSON - PRESENTATION OF RECOMMENDATION REGARDING PUBLIC RIGHTS-OF-WAY

Tammy Johnson stated that she is in attendance to present a good working start regarding Jefferson County's right and legal obligation regarding rights-of-way in Jefferson County. She said that she would like to begin by giving a background of how she arrived at the language in the resolution. She has been doing research on what is happening in the country, and Jefferson County is not the only one dealing with this. The purpose of the resolution is very straightforward; the county has the right to assert or reassert ownership of those rights-of-way that have never been abandoned. This will preserve them for future opportunities - to reach grazing lands, for forest health, mineral exploration, recreation and tourism. Tammy stated that what this resolution is not is an attempt to run roughshod over state and federal or public property rights. This is a good first step, but it can be made better and she encourages input.

Commissioner Weber stated that this meeting won't be the only time they will be discussing this. Commissioner Lythgoe stated that Tammy has done a lot of research, and this is a good first step. It gives the Commission something to look at and to give the public an idea of what the Commission is attempting to do and how. He appreciates the work that has been done. Commissioner Notbohm stated that he hasn't had a chance to look at this yet as they just received it, and said that he would like to get it online so that the public can review it.

Sam Samson stated that Glenna Obie has indicated to him that she had sent an e-mail to be read into the minutes.

Commissioner Weber stated that he has two pieces of correspondence related to this agenda item. He read letters from Glenna Obie and Dean Yashan and Debra Sattler (on file in Clerk and Recorder's office).

Commissioner Notbohm stated that Glenna misquoted him in saying that "the fund will always be replenished". He has said many times that this is a limited amount of money and that we need to use it wisely.

Tammy stated that she would like to clarify a couple things. Sam Samson's research is invaluable, and she has no intention of trying to recreate that. She said that it is almost accurate that she is a former mining employee; she has proudly consulted for several mines and her husband is an electrician at the Golden Sunlight Mine.

Celia Wolny asked if the Commission has decided when to have evening meetings. Commissioner Weber stated that nothing has been set yet. He was waiting for this resolution to

have something to present to the public.

Marga Lincoln asked about a budget. Commissioner Weber stated that there is no budget associated with the resolution at this time.

Allen LeMieux asked what the Commissioners expect to accomplish when they are all done. Commissioner Weber stated that he can't say at this time. Allen asked about the facts. Commissioner Weber stated that the "why" is easy to enumerate. Sam's work is invaluable. What they are doing now is an extension of that. There are roads in Jefferson County that predate the Forest Service and BLM, and they are going to try to identify which of these were Jefferson County roads. Allen asked if they are primarily directing their attention towards mining. Commissioner Weber answered that they are not; the bottom line is that the County has a responsibility on these rights-of-way.

Ernie Kennison stated that he has been looking into this discussion for quite some time, and the more he looks into this and reads, the less he knows for sure. This becomes very important to him as a citizen of Boulder; the most important thing that local government can do is to keep our options open. Facts are critical, but it is hard to know who is giving facts and who is giving what they feel are facts. This Commission has been presented with having such a strong stance on this, and a petition of support has been presented and also called into question. Jim McCauley was here several weeks ago, and presented those in attendance an education. Ernie stated that he is very pleased to hear that evening meetings will be held. He said that his final observation is this: he has heard so many people say that this is a foolish land-grab opportunity by the Commission. He feels that the opposite may be true - this is a land-grab and a loss of opportunity to the county. Our future, no matter how we think we understand current trends, is uncertain. He must agree with Commissioner Weber; we don't know what the future is for economic development. If we loose these roads before we know, it will certainly be a waste.

Commissioner Notbohm stated, in answer to Mr. LeMieux, that the Elkhorn Cemetery problem was passed on to him a couple years ago. This land is Jefferson County's, and never should have been given over to the Forest Service. But, because it was mistakenly drawn on their map, they are claiming it. Jefferson County has been working on getting the cemetery turned back over to the county for fifteen years. As another example of how the federal government deals with us, Commissioner Notbohm related the story of a lease-holder who is being blocked access to her grazing grounds by huge piles of debris on the roads. Allen stated that he feels that when they finish the job, we will have the same as we have now. If the roads existed before the Forest Service, they will still be there. Commissioner Notbohm stated that they are blocking roads and putting up gates. Commissioner Weber stated that the fact of the matter is that he tends to agree; the Commission doesn't want any more rights than they have now. Commissioner Lythgoe stated that one thing that causes the Commission real concern is that as long as we have been having conversations with the Forest Service, and they understand our concerns, they are still closing and blocking roads. This is not appropriate, especially when it is not their road to close. As a Commission, they have the responsibility to make sure that the Forest Service is not closing roads that they have no authority to. Commissioner Weber noted that this resolution doesn't say that the Commission will take all roads; they will research road by road and area by area. Allen stated that he would like to see a map when it is all done.

Amy Teegarden, US Forest Service, stated a lot of closures have been done in response to the travel plan and after a lot of public involvement. Commissioner Notbohm stated that the Commission has asked the Forest Service to indicate which roads they feel are theirs, but they never get an answer. Amy stated that the Forest Service has offered maps, etc. Commissioner Notbohm stated that what the Forest Service has done is deleted about half of the roads on the maps, because they don't want people to see them. Commissioner Lythgoe stated that of all the maps they have requested from the Forest Service, the only map they have been given is of the Elkhorns; and noted that they have made repeated requests. Commissioner Weber even went to the Forest Service's office. They have seen some of the maps, but Commissioner Notbohm is right, hundreds of roads have been deleted. As far as historical maps go, they haven't seen any. Amy stated that she will take the Commission's request back, and asked if they have made any requests in writing. Commissioner Weber stated that they have. He did note that they received an outline of the Helena National Forest that had no details that week, but he is getting a little frustrated with this.

Commissioner Lythgoe stated that the Commission recognizes that there is a reason to close the roads, although the Forest Service doesn't have the right to, and the Commission might agree if it is a good reason. However, a lot of the roads that they have looked at, they can see no good reason the roads have been blocked and gated. Amy stated that the decision was made through an environmental process. Commissioner Weber stated that many of the roads that have been closed have no environmental concerns, and they have heard this from Forest Service personnel. Commissioner Notbohm stated that another question he would like Amy to take back is the issue in his district with the grazing permit. The permittee had five accesses and all have been plugged. After he spoke with Duane Harp about this, they were plugged even more. He understands that the Clancy/Unionville plan has been in action for some time, but to his knowledge, the Forest Service has never come to the Commission and acknowledged us as the governing body of the County. The Forest Service is not in the road building business; they always use existing roads. He would like to see a list of roads that the Forest Service has built. Commissioner Notbohm further stated that in the Elkhorns, the Forest Service closed roads that were petitioned County roads.

OPPORTUNITY FOR PUBLIC COMMENT

Charlotte Crosswhite stated that she has heard that there is interest in getting an animal shelter open in Jefferson County, and that she would like to be involved. Commissioner Weber stated that there are two groups working towards that, one in Whitehall and one in Boulder. Discussion of these will be on future agendas. Charlotte stated that she is also a Jefferson County taxpayer, and she is concerned with seeing these fail. Lewis and Clark County started doing some spay/neuter clinics, which lead to the formation of the Friends of Pets group, as Lewis and Clark County couldn't afford to fully fund the clinics. They currently take animals from Jefferson County, but if Jefferson County is planning to do their own spay/neuter clinics, they may not be able to service Jefferson County animals any longer. Commissioner Weber stated that the Whitehall group asked for a letter of support from the Commission for the free spay/neuter clinic, which the Commission gladly wrote. He then found that this is just phase one, and that

the County is expected to fund phase two and three. Charlotte stated that the Montana Spay/Neuter Task Force regulations stated that first clinic is free, and then you are required to do two more. In Helena, it costs \$800/day per vet, and they have a clinic twice a year. Commissioner Lythgoe stated that they need to get realistic in Jefferson County; we probably need an animal control officer, and we need to open a dialog with the Humane Society in Lewis and Clark County. While it is admirable that people want a shelter in Jefferson County, it is realistic to try to work with Lewis and Clark and Silverbow Counties and see what can be done. Charlotte stated that Gina Weist from the L&C Humane Society is very open to working with the Commission and is very knowledgeable. She is the leading shelter person in the state.

MEETING ADJOURNED

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER